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USSN: 10/523,337
Group Art Unit 1626
Docket No.: 198P00812USWO

REMARKS

Claims 11, 20, 28, and 34 are amended. Claims 23-27, 29-33g and 35-43 are cancelled, and claims 44 and 45 are added. Accordingly, claims 11-20, 22, 28, 34 and 44-45 are pending. Applicants reserve the right to pursue the cancelled subject matter in one or more divisional applications.

Claims 11, 20, 28, and 34 are amended to recite compounds that fall within the scope of the elected group and compounds that have closely related structures and similar technical features. No new subject matter is added. The Examiner is requested to note that the amendment of the claims as presented herein does not surrender any equivalent to which the other substituents may be entitled. Accordingly, Applicant is entitled to a full range of equivalents upon issuance of the instant claims.

DOUBLE PATENTING

Claims 11-20, 22, 34, 38 and 39 have been rejected on the ground of non-statutory obviousness-type double patenting over claims 1 - 3 of U.S. Patent No. 7,064,217.

To overcome this rejection, while not conceding the obviousness of any of the pending claims over the claims of U.S. Patent No. 7,064,217, applicants submit a terminal disclaimer in compliance with 37 C.F.R. 1.321(b) and (c) herewith. The Examiner is requested to note that Applicants are disclaiming the terminal part of the statutory term of any patent granted on the above-identified patent application (Serial No. 10/523,337), which would extend beyond the expiration date of the full statutory term, as presently shortened by any terminal disclaimers, of U.S. Patent No. 7,064,217.

The terminal disclaimer submitted is believed to overcome the rejection of claims 11-20, 22, 34, 38 and 39, as amended, for non-statutory obviousness-type double patenting and withdrawal of this rejection is therefore appropriate and is respectfully requested.

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Docket No.: 198P00812USWO**CLAIM OBJECTIONS**

Claims 11-20, 22, 34, 38 and 39 are objected to as being drawn to non-elected subject matter.

Applicants submit that, as amended, the claims recite allowable subject matter and are in condition for allowance. Accordingly, it is respectfully requested that the claims are passed to issue.

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Applicants submit herewith a Supplemental Information Disclosure Statement citing two U.S. Patent Applications that are in the same families as two corresponding foreign documents, submitted in an Information Disclosure Statement on April 22, 2005, which were not considered by the Examiner as being in a foreign language. Consideration of each of the documents listed on the attached Form PTO 1449 is respectfully requested. Pursuant to the provisions of M.P.E.P. §609, it is requested that the Examiner return a copy of the Form PTO 1449, marked as being considered and initialed by the Examiner, to the undersigned with the next official communication.

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CONCLUSION

Favorable examination and allowance are respectfully requested. The Examiner is encouraged to telephone the undersigned attorney if there are any questions regarding this application.

Respectfully submitted,

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